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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,066	06/21/2001	Franz Knauseder	20551/I/JR	2541

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EXAMINER

SAFAVI, MICHAEL

ART UNIT	PAPER NUMBER
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3673

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DATE MAILED: 03/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/814,066

Applicant(s)
Knauseder

Examiner
Michael Safavi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 22, 2001 & June 21, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 11, what is being defend by "...toward a connecting bridge that is part of the component"? Is not the language of claim 1 defining formations in structural components? And, would not all recited elements including the "connecting bridge" form part of each component? Further, to which component does "the component" refer? Is not the connecting bridge formed in each component?

Claim 2, lines 2-3 recite "ideally extend over the entire length of the groove and the tongue". Do the locking elements extend over the entire length of the groove and the tongue or not? Otherwise, what is being defined by "ideally..."? Line 9, what is being defined by "its unattached end"? Otherwise, "its unattached end" lacks an antecedent within the claim. Line 13 recites "...and ideally both, of the two groove sides". Does claim 2 define one or both sides as capable of flexing? Lines 16-17, "the two triangle sides" lacks an antecedent basis within the claim. Line 17, what is being defined by "longer front tongue area"? Otherwise, "longer front tongue area" as well as "the shorter back tongue area" lack antecedent basis within the claim.

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Lines 17-18 recite “particularly 110° to 130°”. Is the angle 110° to 130° or not? Line 20, “the triangle side” lacks an antecedent within the claim. Line 21, “the section of the tongue area received by the recess” lacks an antecedent within the claim. Line 22 recites “...ideally five to seven times”. Would the range defined in claim 2 be “four to eight times” or “five to seven times”? Line 23, “the triangle side...” lacks an antecedent within the claim.

Claim 3, line 2 recites “specifically at least one of the lateral groove areas”. Are the lateral groove areas provided with filling or not? And, “the lateral groove areas” does not possess an antecedent within the claim. Line 5 recites “specifically at least one of their side areas”. Are one, both or all of the side or surface areas of the tongues provided with a coating or not? And, “their side areas” does not possess an antecedent within the claim. Lines 6-7 recite “if so desired”. Is a coating applied to the panels or not?

Claim 4, line 2 recites “specifically at least one of their lateral areas”. Are one, both or all of the lateral or surface areas of the grooves provided with a filling or not? And, “their lateral areas” does not possess an antecedent within the claim. Line 3 recites “specifically a coating”. Is a coating provided in the grooves or not? Lines 5, 6, and 10 recite “particularly water”. Does the language of claim 4 define water as a solvent or not? Line 6, what is being defined by “...or water moisture”? Lines 6-7 recite “specifically at least one of their lateral areas”. Are one, both or all of the lateral or surface areas of the tongues provided with a filling or not? And, “their lateral areas” does not possess an antecedent within the claim. Lines 8-9, what is being defined by “or at least

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moistens”? Lines 9-11 of claim 4 are not, at all, understood. What is being defined by “or with a surface impregnation”? To what is the “surface impregnation” applied?

Claims 5-20 present much of the same or similar confusing language as shown above with respect to claims 1-4. Applicant is invited to proofread all claims for compliance with the second paragraph of 35 U.S.C. 112. Language directed to preferred or possible substances or possible ranges within ranges should be avoided. All elements and components which go to make up the claimed invention should find clear antecedent basis within the claim language.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Austrian reference 405,560 in view of any of Scheid or Nemeth or German reference 3,117,605 or German reference 29703962 when considering either of Fritz or Roesch et al.

Austrian reference ‘560 discloses the configuration of attaching flat structural components as recited in claims 1-20 of the instant application. Austrian ‘560 does not appear to disclose any specific use of adhesive with the attaching configuration. However, each of Scheid, Nemeth, German reference 3,117,605, and German reference 29703962 teach utilization of adhesive

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between tongue and groove joints so as to establish a secure engagement between panels of a substrate. And, each of Fritz and Roesch et al., for example, teach utilization of various "two component" adhesives including microencapsulatable solvent adhesives that contain polymer resin and appropriate solvents as well as polyvinyl acetate base, methyl acrylate base, epoxide base etc.

To have provided the floor tile assembly of Austrian '560 with adhesive between and within the tongue and groove joints between the panels 1, 2, including any particular adhesive or "two component" adhesive, thus securely fastening adjacent floor tiles one to another while realizing any and all advantages of such well known adhesives or "two component adhesives", would have constituted an obvious expedient to one of ordinary skill in the art as taught by any of Scheid or Nemeth or German reference 3,117,605 or German reference 29703962 when considering either of Fritz or Roesch et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (703) 308-2168.



**MICHAEL SAFAVI
PRIMARY EXAMINER
ART UNIT 354**

M. Safavi
March 15, 2002